

Amendment and Response

Applicant: William K. Meade II

Serial No.: 09/982,247

Filed: October 16, 2001

Docket No.: 10004224-1

Title: SYSTEM AND METHOD FOR MOBILE COMPUTING DEVICE TO CONTROL APPLIANCES

REMARKS

The following remarks are made in response to the Office Action mailed July 11, 2005. Claims 2 and 27 have been cancelled. Claim 25 has been allowed. Claims 1-21, 23, 24 and 26 were rejected. With this Response, claims 1-5, 8, 20-21, and 23 have been amended. Claims 1, 3-24, 22-26 remain pending in the application and are presented for reconsideration and allowance, along with allowed claim 25.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, claims 1, 4, 5, 8, 9, 20, 21, 23, and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,889,506 (Lopresti).

Applicant's amended independent claim 1 specifies a method of controlling an appliance.

Lopresti fails to disclose a method of controlling an appliance comprising, among other features: (1) supplying a first content from the mobile computing device to the appliance; and (2) selecting for performance by the appliance at least one content from a plurality of content available via the appliance, wherein the plurality of content includes the first content.

Lopresti discloses a remote control 24 for operating a video user interface to control an audio/video control unit 20 (e.g., a set top box) and/or electronic components (digital audio tape player 44, VCR 46, laser disc player 48, etc.). See Lopresti at Column 3-58-66 and Column 4, lines 1-44. However, remote control 24 does not supply content to audio/video control unit 20 (or the electronic components), and therefore Lopresti fails to disclose supplying a first content from a mobile computing device to an appliance, as claimed by Applicant.

Moreover, because remote control 24 does not supply content to audio/video control unit 20 (or the electronic components), Lopresti also fails to disclose selecting for performance by the appliance at least one content from a plurality of content available via the appliance, wherein the plurality of content includes the first content (that was supplied by the mobile computing device), as claimed by Applicant.

For these reasons, Lopresti fails to teach or suggest amended independent claim 1, and therefore Applicant's amended independent claim 1 is patentable and allowable over

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Lopresti. Dependent claims 2-5 are also believed to be allowable as they further define patentably distinct independent claim 1.

For substantially the same reasons as presented for patentability of claim 1, Lopresti fails to disclose Applicant's amended independent claim 23 which is directed to a computer readable medium having computer-executable instructions for performing a method of controlling an appliance -- the method including substantially the same limitations as claim 1. For these reasons, Lopresti fails to teach or suggest amended independent claim 23, and therefore Applicant's amended independent claim 23 is patentable and allowable over Lopresti. Claim 24 is believed to be allowable as its further defines patentably distinct independent claim 23.

Applicant's amended independent claim 8 specifies a method of selecting content for an appliance.

In Lopresti, the remote unit 24 and/or the video user interface associated with remote unit 24 do not disclose a mobile computing device comprising an audio monitor including audio-based content selections, a communications monitor including telecommunication selections, and a data monitor including data-based content selections, as claimed by Applicant. Moreover, Lopresti fails to disclose selecting content at an appliance via the mobile computing device from at least one of these monitors.

Instead, Lopresti discloses that its video user interface (displayed via a television 22), as shown in Figures 6-16, includes menus for television, VCRs, video library, games, shopping, i-mail, etc. -- none of which include Applicant's claimed audio, data, or telecommunications monitors.

For these reasons, Lopresti fails to teach or suggest amended independent claim 8, and therefore Applicant's amended independent claim 8 is patentable and allowable over Lopresti. Dependent claim 9 is also believed to be allowable as it further defines patentably distinct independent claim 8.

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For substantially the same reasons as presented for patentability of claim 8, Lopresti fails to disclose Applicant's amended independent claim 26 which is directed to a computer readable medium having computer-executable instructions for performing a method of selecting content for an appliance -- the method including substantially the same limitations as claim 8. For these reasons, Lopresti fails to teach or suggest amended independent claim 26, and therefore Applicant's amended independent claim 23 is patentable and allowable over Lopresti.

Applicant's independent claim 20 specifies a computing system.

Lopresti fails to disclose a computing workstation including a storage media selector configured for selecting a memory destination to store and access data files, and a mobile computing device including, among other features, a virtual disc drive monitor configured to enable the storage media selector of the computing workstation to access the memory of the mobile computing device as the memory destination of the computing workstation via the respective wireless communicators of the mobile computing device and the computing workstation, as claimed by Applicant.

None of the Figures or text of Lopresti cited in the Office Action disclose these features for remote control 24, and in particular, do not disclose the virtual disc drive monitor of the mobile computing device used a memory destination by the computing workstation to store and access data files, as claimed by Applicant.

Accordingly, Applicant submits that the Office Action fails to make a prima facie case of anticipation because Lopresti falls well short of disclosing each element of Applicant's claim 20 with the cited passages failing to include sufficient detail to support the asserted breadth of Lopresti regarding Applicant's independent claim 20.

For these reasons, Lopresti fails to teach or suggest amended independent claim 20, and therefore Applicant's amended independent claim 20 is patentable and allowable over Lopresti.

Applicant's independent claim 21 specifies a mobile computing device.

Lopresti fails to disclose a a mobile computing device including, among other features, a virtual disc drive monitor configured to enable a computing workstation to store

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and access the memory of the mobile computing device via the wireless communicator of the mobile computing device, as claimed by Applicant.

None of the Figures or text of Lopresti cited in the Office Action disclose these features for remote control 24, and in particular, does not disclose the virtual disc drive monitor of the mobile computing device used a memory destination by the computing workstation to store and access data files, as claimed by Applicant.

Accordingly, Applicant submits that the Office Action fails to make a prima facie case of anticipation because Lopresti falls well short of disclosing each element of Applicant's claim 21 with the cited passages failing to include sufficient detail to support the asserted breadth of Lopresti regarding Applicant's independent claim 21.

For these reasons, Lopresti fails to teach or suggest amended independent claim 21, and therefore Applicant's amended independent claim 21 is patentable and allowable over Lopresti.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1, 4-5, 8-9, 20-21, 23 and 26 based on Lopresti under 35 U.S.C. §102.

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0033760 (Kobayashi).

Applicant's have invented the subject matter of claims 1-20 prior to the relevant date (September 17, 2001) of Kobayashi, as attested to in the enclosed Declaration Under Rule Section 131 by William Meade, which establishes conception of the claimed invention prior to the relevant date of September 17, 2001 with diligence from before that date up through the filing date of the application on October 16, 2001. Applicant notes that according to the MPEP Section, 706.02(a), "No international filing dates prior to November 29, 2000 may be relied upon as a prior art date under 35 U.S.C. § 102(e) ...". Accordingly, the foreign filing date of September 18, 2000, which is prior to November 29, 2000, is not available as a prior art date as a 102(e) reference.

Accordingly, because Applicant's have made a prima facie case of inventorship prior to the relevant date of the reference, Applicant respectfully requests withdrawal of the rejection of claim 10 under Section 102(e) based on Kobayashi.

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Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 2, 7, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti in view of Freeman U.S. Patent No. 5,579,239 (Freeman).

Applicant's amended independent claim 7 specifies a method of controlling an appliance. Claim 7 was rejected based on the reasoning applied to the rejection of claims 1 and 2.

As admitted in the Office Action, Lopresti fails to disclose supplying to the appliance at least one of a movie, a TV program, an audio song, an audio program, and an audio file. However, even more generally,

Moreover, for substantially the same reasons are presented for the patentability of amended independent claim 1, Lopresti fails to disclose a method of controlling an appliance comprising, among other features: (1) supplying a first content from a mobile computing device to the appliance; and (2) selecting via the mobile computing device the first content from a plurality of content in the appliance to perform the first content with the appliance, as claimed by Applicant.

Freeman fails to cure the deficiencies of Lopresti.

Freeman is directed to remote video transmission system. In Freeman's system, a video signal is captured and then provided to a remote unit for digitization, compression and storage as a data file. The remote unit transmits the data file over a telephone (e.g., lines, cellular, radio, telemetry) to a host unit, which then provides the data file to a playback unit for decompression and conversion to a broadcast signal. See Freeman at Column 2, lines 25-68.

As described throughout Freeman, remote unit 2 transmits a data file to host unit 3, but fails to exert control over the host unit 3, and therefore remote unit 2 in Freeman does not control an appliance, as claimed in Applicant's independent claim 7.

Moreover, other than transmitting a data file to a host unit 3 (connected to playback unit 4), in Freeman the remote unit 2 plays no role in selecting what is played by the playback unit 4. In other words, the remote unit 2 does not control the playback unit 4 or the host unit 3 regarding what video is played by the playback unit 4. According, Freeman fails to

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disclose selecting, via the mobile computing device, a first content from a plurality of content in the appliance to perform the first content with the appliance, as specified in Applicant's independent claim 7.

Accordingly, because Freeman fails to cure the deficiencies of Lopresti, one cannot combine Lopresti and Freeman to arrive at Applicant's independent claim 7.

For these reasons, Lopresti and Freeman, alone or in combination, fail to teach or suggest Applicant's independent claim 7, and therefore Applicant's independent claim 7 is patentable and allowable over Lopresti and Freeman.

Dependent claim 2 is believed to be allowable over Lopresti and Freeman because claim 2 further defines patentably distinct independent claim 1, which is patentable and allowable over Lopresti for the reasons previously presented. In addition, as admitted in the Office Action, Lopresti fails to disclose supplying to the appliance at least one of a movie, a TV program, an audio song, an audio program, and an audio file.

For substantially the same reasons presented for patentability of independent claim 7, Freeman fails to cure the deficiencies of Lopresti, regarding independent claim 1 (from which claim 2 depends). In particular, Freeman fails to disclose controlling an appliance and fails to disclose selecting the content to be performed by the appliance. Accordingly, because Freeman fails to cure the deficiencies of Lopresti, one cannot combine Lopresti and Freeman to arrive at Applicant's base claim 1 underlying dependent claim 2, and therefore Lopresti and Freeman cannot be combined to arrive at Applicant's dependent claim 2.

For these reasons, Lopresti and Freeman, alone or in combination, fail to teach or suggest dependent claim 2, and therefore Applicant's claim 2 is patentable and allowable over Lopresti and Freeman.

Dependent claim 24 is believed to be allowable over Lopresti and Freeman because claim 24 further defines patentably distinct independent claim 23, which is patentable and allowable over Lopresti for the reasons previously presented. In addition, as admitted in the Office Action, Lopresti fails to disclose supplying to the appliance at least one of a movie, a TV program, an audio song, an audio program, and an audio file. Moreover, for substantially the same reasons presented for patentability of independent claim 7, Freeman fails to cure the

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deficiencies of Lopresti regarding independent claim 23, from which claim 24 depends. In particular, Freeman fails to disclose controlling an appliance and fails to disclose selecting the content to be performed by the appliance. Accordingly, because Freeman fails to cure the deficiencies of Lopresti, one cannot combine Lopresti and Freeman to arrive at Applicant's base claim 23 underlying dependent claim 24, and therefore Lopresti and Freeman cannot be combined to arrive at Applicant's dependent claim 24.

In the Office Action, claims 3, 6, 11-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti in view of U.S. Patent No. 6,813,619 (Devara et al.).

Moreover, Applicant has invented the subject matter of claims 3,6, and 11-19 prior to the relevant date (March 30, 2001) of Devara, as attested to in the enclosed Declaration Under Rule Section 131 by William Meade, which establishes conception of the claimed invention prior to the relevant date of March 30, 2001 with diligence from before that date up through the filing date of the application on October 16, 2001.

Accordingly, Applicant has made a prima facie case of inventorship prior to the relevant date of the reference Devara, Applicant respectfully requests withdrawal of the rejection of claims 3,6 and 11-19 under Section 103 based on Lopresti and Devara.

Allowable Subject Matter

In the Office Action, claim 25 was allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 2-24, and 26 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 2-24, and 26, along with previously allowed claim 25, is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either John C. Moran at Telephone No. (970) 898-7010, Facsimile No. (970) 898-7247 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-0439. In addition, all correspondence should continue to be directed to the following address:

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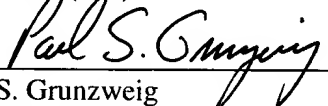
Respectfully submitted,

William K. Meade II,

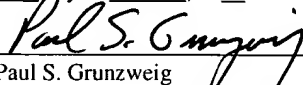
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of October, 2005.

By 
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